

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Board Meeting held December 4, 2007

A business meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:35 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steven Stine, Township Solicitor; Lori Wissler, Planning and Zoning Officer; and Edward Lupyak, Melham Associates, P.C.

Pledge of Allegiance

Mr. Crissman led in the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes from the October 22, 2007 and November 5, 2007 business meetings. Mr. Seeds seconded the motion, and the motion was approved unanimously.

Public Comment

Mr. Chuck Barto, President of the Koons Pool Board of Directors, noted that he wanted to thank the Board of Supervisors for their financial assistance in replacing the pump that broke last Memorial Day. In addition, Mr. Barto noted that there has been speculation that the Koons Pool will close, and that the Board of Supervisors would be asked to find alternate uses for the space. Mr. Barto explained that the Koons Pool Board of Directors is in the process of reorganizing and looking for new members who are willing to work to keep the pool open. He

noted that three people, having good mechanical talents, have expressed an interest in serving on the Board of Directors.

Mr. Barto explained that the Koons Pool is an old facility, and he is very much aware of the weaknesses and the need for constant attention to keep the pool in working order. He noted that he would like to assure the Board of Supervisors that the Koons Pool Board of Directors fully intend to start earlier in hiring lifeguards to oversee the pool's operations. He noted that the Board would pay a very competitive wage, but it is unable to compete with Hershey in its benefit structure.

Mr. Barto noted that the Koons Pool would continue to be an open facility for anyone using Koons Park. He explained that Koons Pool does not have an exclusive membership for its pool and does not exclude people from using the pool. He noted that anyone can use the pool without a membership sponsor. He noted that Koons Pool also makes itself available to day care centers in the service area, and during the past summer, serviced four day care centers. He noted that Koons Pool is the only pool that sponsors the local elementary school's "Learn to Swim Program". He noted that he has discussed the continuation of this program with the Red Cross for the upcoming summer. He explained that he appreciates the support that Koons Pool has received in the past, and noted that he would be meeting with the Parks and Recreation Board tomorrow night to discuss this topic in more detail.

Mr. Barto noted that he met with Mr. Seeds this past Labor Day and discussed some of the issues and concerns that would need to be done to make the pool more viable.

Mr. Hawk noted that he has heard comments about the declining membership and overall pipe structure for the pool, and that this was a concern of the Board members. Mr. Barto noted that the Koons Pool Board of Directors is trying to keep up with community needs, noting that community pools are few and far between. He suggested that everyone cannot afford to install a

pool in their backyard. Mr. Hawk noted that the upkeep is of great concern to those who use the pool. Mr. Barto noted that he would hold out until the pipes fail, and the Board of Directors is approaching the use of the pool, one season at a time.

Mr. Seeds noted that he was glad to hear that Mr. Barto would be meeting with the Parks and Recreation Board, and he thanked the Koons Pool Board of Directors for the service they provide to the community. He noted that he hopes that the pool would be able to continue its operation for the community.

Chairman and Board Member's Comments

Mr. Seeds noted that his brother from Florida was in attendance at the meeting as well as his sister from Chicago. In addition he noted that his wife was also present at the meeting.

Manager's Report

Mr. Wolfe noted that the Township's Holiday Tree Lighting festivity will take place, Friday, December 7th, at the Friendship Center at 7 p.m. He noted that the community is invited to attend, and music would be provided by the Lower Paxton Township Variety Band. In addition, refreshments will be served, a visit from Santa Claus will occur, and WINK 104 FM will be in attendance. He noted that there will be chances to win a Wii.

Mr. Wolfe noted that the Friendship Center is sponsoring a Stop, Shop and Drop event. He noted that parents are invited to bring their children, ages three to ten, on Sunday, December 9, 2007, from 5 p.m. to 8 p.m. to the Friendship Center. He noted that activities and food would be provided for the participants, and the cost is \$12 per child, plus \$6 for additional siblings. He noted that pre-registration is required.

Mr. Wolfe announced that Breakfast with Santa will be held on Saturday, December 8, 2007, at 9 a.m. Pre-registration for this event is required.

Mr. Wolfe noted that anyone doing holiday shopping that is looking for an appropriate gift for someone, may want to consider a membership to the Friendship Center or program activities. He noted that this would promote family activities as well as good wholesome recreational fun.

OLD BUSINESS

There was no old business to present.

NEW BUSINESS

Resolution 07- 52; voicing opposition to unfounded mandates imposed by the Pennsylvania Department of Environmental Protection in its Chesapeake Bay Initiative

Mr. Wolfe explained that this resolution comes to the Township from the Capital Region Council of Governments (CRCOG). He noted that the Township is a member of the CRCOG, and they have adopted a resolution, and requested the participating members to adopt a similar resolution. He noted that the resolution specifically details the environmental impacts of nitrogen and phosphorus on the Chesapeake Bay, and the costs for the cleanup of the Bay, noting that Pennsylvania is a major contributor due to the impact from the Susquehanna River. He noted that the Township has been tasked with the implementation of the sanitary sewer improvements for many years, and has committed millions of dollars to fund improvements for the sanitary sewer system for Bay related issues. He noted that the Township is supportive of the clean up of the sanitary sewer system and the Chesapeake Bay; however, the Board of Supervisors believes that it is time for the State of Pennsylvania to participate in the funding of the Chesapeake Bay Initiative as it affects the municipal sanitary sewer systems. He noted that the resolution requests the Commonwealth to pay their fair share for the cleanup process.

Mr. Wolfe explained that Mr. Seeds is the Board's representative for the CRCOG, and may wish to make further comments on this resolution. Mr. Seeds noted that Mr. Wolfe

explained the issue very well, and added that the program requests local municipalities to pay over \$1 billion for the cleanup activities. He noted that the states of Maryland and Virginia have help in funding more than 50% of the costs to pay their fair share for the cleanup. He noted that the Township would spend in excess of \$100 million in its I & I program over the next few years, and he urged his fellow Board members to approve this resolution.

Mr. Seeds made a motion to adopt Resolution 2007-52; voicing opposition to unfounded mandates imposed by the Pennsylvania Department of Environmental Protection in its Chesapeake Bay Initiative. Mr. Crissman seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Ordinance 07-17; Amending the Emergency and Municipal Services Tax
by establishing a Local Services Tax

Mr. Stine explained that this ordinance renames the Emergency and Municipal Services Tax to the Local Services Tax, and makes a few additional exemptions that were not present in the original tax. He explained that it changes the means by which the tax is to be collected. He noted that the changes require the Township to re-adopt the tax as a local services tax, therefore the reason for adopting Ordinance 2007-17.

Mr. Hornung questioned what this change would cost in tax dollars to the Township. Mr. Wolfe estimated that it would result in a loss of \$300,000 in tax revenues. He noted that the Capital Tax Collection Bureau (CTCB) believes that the loss may be greater since the parameters of the tax have changed. He explained that the tax would be collected, one dollar per week, as opposed to a lump sum collection of \$52. He noted, if an employee stops working mid-year, they would stop paying the tax mid-year as well. He noted that a person can opt out on their own, as opposed to paying up front, and collecting their refund at the end of the year. He noted that the tax is also based on dollars earned, per municipality, as opposed to total dollars owned. He

explained if a person worked two jobs, and made less than \$12,000 in each different municipality, they would not have to pay any tax. He noted that there are a significant number of exemptions that would greatly impact the collection of this tax for the Township.

Mr. Hornung noted that he received complaints from people who live outside the Township, but work in the Township. He noted that this was an equitable means to impose some of the burden of the tax to non-residents to pay for the services that they receive from the Township. He noted that it provided for a means to more directly tax a user of Township services. Mr. Wolfe noted that, two years ago, when the Township adopted this tax, it lowered the real estate millage rate and decreased real estate taxes. He noted that the Township is facing a \$300,000 plus shortfall due to the changes in the tax. He noted that Board members are discussing this problem as it prepares its 2008 fiscal year budget. Mr. Wolfe noted that this change has not afforded the Board members much time to uncover a means of resolving the \$300,000 shortfall.

Mr. Crissman made a motion to approve Ordinance 2007-17; amending the Emergency and Municipal Services Tax by establishing a Local Services Tax. Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Preliminary/final land development plan for Deluxe Hotel Suites

Ms. Wissler explained that the purpose of the plan is to develop a two-story motel and related improvements. The property is located north of Ridgeview Drive and west of North Mountain Road, and is zoned CG, Commercial General District. The tract consists of 0.574 acre and will be served by public sewer and public water.

Ms. Wissler noted that on October 10, 2007 the Planning Commission recommended approval of the plan subject to addressing the review comments. The Planning Commission also

recommended approval of the following waivers: Waiver of the requirement to submit a preliminary plan; Waiver of the requirement that the rational method be used in storm water calculations; and Waiver of the requirement that datum to which contour elevations refer shall be the U.S. Coast & Geodetic Survey Datum.

Ms. Wissler noted that Mr. Edward Lupyak from Melham Associates, is present on behalf of the plan.

Mr. Lupyak noted that his client proposed to build a three-story motel with twelve rooms, and the appropriate required parking spaces. He noted that the lot is currently a vacant wooded lot located at Ridgeview Drive. He noted that he has addressed all the comments, but is waiting for additional comments from Herbert Rowland and Grubic, Inc. (HRG). He stated that the client has no issues with any of the comments. He explained that he just received the approval from the Conservation District, and should be completing the sewer planning module soon. In addition, he is waiting for a letter from United Water PA, and the easement agreement for the storm water management connection has been delivered to the owner of the property to secure his signature.

Mr. Crissman questioned Mr. Lupyak if he was in agreement to the three waivers, seven general conditions, to include HRG Inc's., eight comments dated November 20, 2007. Mr. Lupyak answered that he was in agreement to the waivers and general conditions. Mr. Crissman questioned Mr. Lupyak if he was in agreement with the four staff comments. Mr. Lupyak answered that he was in agreement to the four staff comments.

Mr. Crissman made a motion to accept Preliminary/final land development plan for Deluxe Hotel Suites 2007-19, with the following waiver requests and conditions: 1) Waiver of the requirement to submit a preliminary plan; 2) Waiver of the requirement that the rational method be used in storm water calculations; 3) Waiver of the requirement that datum to which contour elevations refer shall be the U.S. Coast & Geodetic Survey Datum; 4) Plan approval

shall be subject to providing original seals and signatures; 5) Plan approval shall be subject to the establishment of an automatically renewable improvement guarantee for the proposed site improvements; 6) Plan approval shall be subject to the payment of engineering review fees; 7) Plan approval shall be subject to the Dauphin County Conservation District's review of the Erosion & Sedimentation Control Plan; 8) Plan approval shall be subject to Lower Paxton Township Sewer Department's review and approval of the sanitary sewer design; 9) Plan approval shall be subject to DEP's approval of a sewage facilities planning module; 10) Plan approval shall be subject to addressing HRG's eight comments dated November 20, 2007; 11) The proposed commercial building will be required to have a fire protection system as per Township requirements; 12) All proposed site signage, including construction signs, shall comply with Article 7 of the Lower Paxton Township Zoning Ordinance; 13) A street/storm sewer construction permit is required for construction of storm water facilities; and 14) A pre-construction meeting is to be held prior to starting the project. Contact is to be made with Matt Miller to schedule the meeting, and this may be held in conjunction with the Conservation District meeting.

Mr. Blain seconded the motion. Mr. Hawk called for a roll call vote: Mr. Blain, aye; Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Resolution 07-49; acceptance of the dedication of streets in Kings Crossing, Phase III

Ms. Wissler noted that the Township received the necessary paper work to accept Brittan Road in Kings Crossing, Phase III. She noted that as part of the motion, there is a need to act on the maintenance bond from Fulton Bank.

Ms. Wissler noted that Mr. Seeds had a concern regarding two sunken manholes covers. She explained that Mr. Miller inspected the manholes and made contact with Mr. Gilmore from Kings Crossings who sent a letter stating that he would repair those manholes. Mr. Seeds

questioned if Mr. Miller looked at the manhole that was raised. He noted that the lower manhole covers would collect water and create more of an I & I problem for the sanitary sewer lines. Ms. Wissler stated that Mr. Gilmore has agreed, in writing, to make the necessary repairs to the manhole covers.

Mr. Crissman made a motion to approve Resolution 2007- 49, accepting the dedication of streets in Kings Crossing, Phase III, including the maintenance bond, and including the letter from Mr. Gilmore, dated December 4, 2007 noting the repair work needed for the manhole covers. Mr. Blain seconded the motion. Mr. Hawk called for a voice vote, and a unanimous vote followed. .

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there were three improvement guarantees for consideration.

Dauphin County Volunteers of America Living Center

A new bond with Citizens Bank in the amount of \$295,000.00 with an expiration date of November 20, 2008.

Kings Crossing, Phase C

A reduction in a letter of credit with Fulton Bank in the amount of \$31,980.00 with an expiration date of May 18, 2008.

Old Iron Estates, Phase I

An extension and increase of a letter of credit with Fulton Bank in the amount of \$6,270.00 with an expiration date of December 4, 2008.

Mr. Hornung noted that residents provided comments at Board meetings in regards to the Dauphin County Volunteers of America Living Center and the wetlands in the area. He noted that he also had constituents come into the store to make comments to him personally. He explained that HRG, Inc., was tasked to verify the findings, and they were found to be correct,

and the development is not impending on the wetlands and developed within the rules of the State of Pennsylvania.

Mr. Crissman made a motion to accept the three improvement guarantees as presented. Mr. Blain seconded the motion, and the motion carried unanimously.

Payment of Bills

Mr. Seeds made a motion to pay the bills of Lower Paxton Township and Lower Paxton Township Authority. Mr. Crissman seconded the motion, and a unanimous vote followed.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 8: 05 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary